

FILED
 MCLENNAN COUNTY
 4/26/2017 9:42:47 AM
 JON R. GIMBLE
 DISTRICT CLERK
 Tiffany Crim

NO. 2017-1368-3

WARDLAW CLAIMS SERVICE, LLC	§	IN THE DISTRICT COURT OF
	§	
V.	§	MCLENNAN COUNTY, TEXAS
	§	
AMERICAN INTEGRITY INSURANCE	§	
COMPANY OF FLORIDA, INC.	§	<u>74</u> TH JUDICIAL DISTRICT

PETITION FOR SUIT ON SWORN ACCOUNT

TO THE HONORABLE JUDGE OF SAID COURT:

Wardlaw Claims Service, LLC ("Plaintiff") files this it's Petition for Suit on Sworn Account complaining of American Integrity Insurance Company of Florida, Inc. ("Defendant"), and for cause of action would show the Court as follows:

DISCOVERY LEVEL

1. Discovery in this case is intended to be conducted under level 2 of rule 190 of the Texas Rules of Civil Procedure.

PARTIES

2. Plaintiff is a Texas limited liability company doing business in McLennan County, TX.

3. Defendant is a Florida Corporation who has, and continues to do business in the State of Texas, but has failed to register to do business in Texas pursuant to Chapter 9, Texas Business Organizations Code, and has failed to appoint a registered agent for service in the state of Texas. Accordingly, Defendant may be served with process through the Texas Secretary of State's Office.

JURISDICTION AND VENUE

4. The subject matter in controversy is within the jurisdictional limits of this Court.

5. Plaintiff seeks monetary relief of more than \$1,000,000.00 including damages of any kind, penalties, costs, expenses, pre-judgment interest and attorney's fees.

6. Venue in this case is proper under § 15.002 of the Civil Practice and Remedies Code, as the events giving rise to the claim occurred in McLennan County.

FACTS

7. In the usual course of business, from January, 2016 through December, 2016, Plaintiff provided insurance adjusting services to Defendant. Defendant accepted these services at the designated rate, which is usual and customary for such services.

8. Plaintiff sent invoices to Defendant for the insurance adjusting services provided by Plaintiff to Defendant during the time period referenced above totaling \$1,051,015.88. Defendant paid a total of \$0.00 to Plaintiff on those invoices. However, Defendant has defaulted by failing to make payment on the remaining outstanding balance due to Plaintiff on the account. After all just and lawful payments, credits, and offsets, the balance due Plaintiff is \$1,051,015.88. Attached as Exhibit "A" is a true and correct copy of the aged analysis for Defendant's account maintained by Plaintiff reflecting the balance due and owing of \$1,051,015.88. Plaintiff has demanded that Defendant pay this amount but Defendant has not done so.

ATTORNEY'S FEES

9. Defendant's default has made it necessary for Plaintiff to employ the undersigned attorney to file suit and has agreed to pay reasonable fees for the attorney's services. This claim was timely presented to Defendant and remains unpaid.

NOTICE

10. This is an attempt to collect a debt. Any information obtained will be used for that purpose.

PRAYER

11. Plaintiff requests that Defendant be cited to appear and answer herein and, that upon final hearing, the Court enter a judgment against Defendant in the amount of \$1,051,015.88

and award recovery of costs, reasonable attorney's fees, interest and such other relief to which Plaintiff may show itself justly entitled.

Respectfully submitted,

SHEEHY, LOVELACE & MAYFIELD, P.C.

/s/ David M. Mathews

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ATTORNEYS FOR PLAINTIFF

VERIFICATION FOR SUIT ON SWORN ACCOUNT

BEFORE ME, the undersigned authority, on this day personally appeared Michael N. Wardlaw, who swore on oath that the following facts are true:

- "1. My full name is Michael N. Wardlaw.
- "2. I am employed by WARDLAW CLAIMS SERVICE, LLC, and a person under my supervision has care, custody, and control of all records concerning the Defendant's account.
- "3. I hereby aver that the claim attached as *Exhibit "A"* to Plaintiff's Original Petition is within the personal knowledge of the affiant, is just and true, and is due by Defendant to Plaintiff and that all just and lawful offsets, payments, and credits to this account have been allowed.
- "4. These records show that a total principal balance of \$1,051,015.88, exclusive of interest, is due and payable by Defendants, to Plaintiff, and demand for payment was made more than thirty days ago."



Affiant

SIGNED under oath before me on the 19 day of April, 2017.

Notary Public, State of Texas

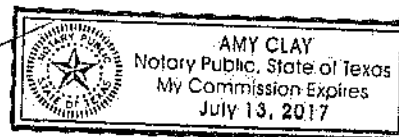
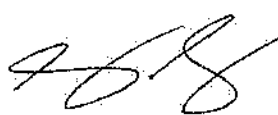


Exhibit “A”

[illegible]

